

11 March 2002

BALDWIN SHELSTON WATERS
DX SP22044
Wellington

Patent Application No: 506571
In the Name of: CONTINENTAL PET TECHNOLOGIES, INC.
Your ref: JB214030

Examination Report

Thank you for your application that became examinable under the National Phase (under section 26(G)) on 3 September 2000.

Examination has been performed on the specification as filed and amended pages drawing pages 1/21-24/24 received with the IPER.

1) Section 10(4):

- a) Claims 1, 2, 24-32, 55-58, 73, 74, 76 and 79-82 do not appear to be fairly based on the disclosure. It appears that the polymeric composition should include a polyamide layer containing a cobalt compound.
- b) Claim 5: The term "MXD-6" is unclear.
- c) Claims 37, 45-47 and 58: The term "low" is vague and the scope of the claims is considered to be unclear.
- d) Claim 39 is unclear. The claim limits the polymer to a polyamide. However this restriction appears in claim 36.
- e) Claims 74 and 76 do not appear to be fairly based on the disclosure. The claims describe the result to be achieve but do not adequately define the means for obtaining the result.
- f) The claims do not relate to a single invention. The different inventions are:
 - i) Claims 1-54, 58-71 and 73-82 relate to oxygen scavenging polymeric composition including a polyamide and cobalt.
 - ii) Claims 55-57 and 72 relate to a method of reducing the melt index of a polyamide by adding a metal to it.

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Special technical features to form a single general inventive concept do not link these inventions. The applicant may amend the claims to unify the inventions or may divide this application into new applications in each of which one of the distinct inventions is claimed.

2) Section 13:

As a result of investigation under Section 13, it appears the invention as claimed has been prior published in:

Citation	Claim(s) cited against
EP 0520257	1-6, 9, 12, 15, 22, 24, 30, 55, 76, 77 and 79
EP 0507207	1, 2, 6, 9, 12, 15, 24 and 76
EP 0301719	1-6, 9, 12, 15, 22, 24, 30, 55, 76, 77 and 79
EP 0380319	1-6, 9, 12, 15, 22, 24, 30, 55, 76, 77 and 79
WO 9000504	1, 3-5, 15, 22, 24, 55, 77 and 79
WO 9618685	1-7, 12, 15, 22-24, 30, 33-35, 55, 71, 76, 77 and 79
WO 9618686	1, 2, 6-19, 24, 76 and 80
US 5639815	1-6, 12, 15, 22, 24, 30, 55, 77 and 79

The time for completion of all matters expires on 11 June 2003. An extension of time of up to three months may be requested under Section 19(2).

If you have any questions please contact me.

Yours sincerely



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for Commissioner of Patents, Trade Marks and Designs
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